

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

BASILIO R. ANDIR,
Claimant-Appellant,

v.

ERIC K. SHINSEKI, Secretary of Veterans Affairs,
Respondent-Appellee.

2013-7137

Appeal from the United States Court of Appeals for
Veterans Claims in No. 10-2166, Judge William P.
Greene, Jr.

Before RADER, *Chief Judge*, DYK and WALLACH, *Circuit
Judges.*

PER CURIAM.

O R D E R

On October 30, 2013, the court directed the parties to show cause why this appeal should not be dismissed as untimely. The Secretary responds and argues that Basilio Andir's appeal should be dismissed as untimely. Andir responds and asserts that he did not receive the United States Court of Appeals for Veterans Claims final order and judgment "on time."

The Veterans Court entered judgment on April 2, 2012. That court received Andir's notice of appeal on August 19, 2013, 503 days after the date of judgment.

Any appeal from the Court of Appeals for Veterans Claims must be received within 60 days of the date of entry of judgment. 38 U.S.C. § 7292(a); 28 U.S.C. § 2107(b); Fed. R. App. P. 4(a)(1). The statutory deadline for taking an appeal to this court is jurisdictional and mandatory. *See Bowles v. Russell*, 551 U.S. 205, 209 (2007); *see also Henderson v. Shinseki*, 131 S. Ct. 1197, 1204-05 (2011) (noting Congress's intent to impose the same jurisdictional restrictions on an appeal from the Veterans Court to the Federal Circuit as on an appeal from a district court to a court of appeals).

Andir asserts that his notice of appeal was untimely because he did not receive a copy of the Veterans Court's decision and judgment until he requested a status report for his case in March 2013. As noted above, however, the time to appeal begins to run when the judgment is *entered*.

Accordingly,

IT IS ORDERED THAT:

- (1) The appeal is dismissed.
- (2) Each side shall bear its own costs.

FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk of Court